

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **REYNALDO LOPEZ MORALES**CASE NO: **17-03864-BKT**

Debtor(s)

Chapter 13**TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325**

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO***Total Agreed: **\$0.00** Paid Pre-Petition: **\$0.00** Outstanding (Through the Plan): **\$0.00**

*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

Debtor's/s' Commitment Period: ☐ Under Median Income 36 months ☒ Above Median Income 60 months §1325(b)(1)(B)
☐ The Trustee cannot determine debtor's/s' commitment period at this time. Projected Disposable Income: **\$0.00**

Liquidation Value: \$0.00 Estimated Priority Debt: \$0.00**If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$0.00**With respect to the (amended) Plan date: **Mar 14, 2018 (Dkt 39)** **Plan Base: \$23,134.00****The Trustee:** ☐ **DOES NOT OBJECT** ☒ **OBJECTS** **Plan Confirmation** **Gen. Uns. Approx. Dist.: 100 %****The Trustee objects to confirmation for the following reasons:**

[1325(a)(5)(B)(i)] Fails to include lien retention language for allowed secured claims, provided for by the plan, in compliance with 1325(a)(5)(B)(i)(I) & (II).

- The lien retention provision included in Section 8 of the plan (Non-Standards Provisions") is incomplete, it must comply with both subsection (I) and subsection (II). Please refer to specific language of 1325(a)(5)(B)(i)(I) & (II).

[1325(a)(6)] Payment Default Feasibility – Debtor(s) is in default with proposed plan payments, to the trustee and/or creditor(s).

Debtor is three months or \$300.00 in arrears with trustee. Motion to dismiss is pending (Dkt. 37).

[1325(b)(1)(B)] Projected Disposable Income – Debtor(s) fails to apply projected disposable income, to be received during applicable commitment period, to make payments to unsecured creditors under the plan. [1322(a)(1)]

- Fails to disclose income.
- Fails to increase plan payments after concluding secured loan(s) payments.

Debtor has failed to include in Schedule I the amount received yearly from Christmas Bonus.

As per income evidence provided by debtor, debtor received a annual bonus around March/2017 (\$1,449.03). This income was not listed and no evidence has been provided. Debtor seems to have more disposable income than what is being devoted to fund the plan. Plan must be amended in order to surrender amounts to fund plan.

Per evidence of income, the average income is \$2,904.10, debtor must amend the Mean Test to correct income.

NONE.

Debtor's counsel has failed to submit form 2016 (B3020) for the attorney fees.

NOTICE

14 day notice: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

/s/ Jose R. Carrion, Esq.

Date: March 19, 2018

CHAPTER 13 TRUSTEEPO Box 9023884, San Juan PR 00902-3884
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Last Docket Verified: 43 Last Claim Verified: 2 CMC: RC